UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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Benny Shin ., Civil Docket No.

Plaintiffs, COMPLAINT

-against- JURY TRIAL DEMANDED BY PLAINTIFF

AMERICAN AIRLINES GROUP, INC., AMERICAN AIRLINES, INC.,REPUBLIC AIRLINES, INC., REPUBLIC AIRWAYS HOLDINGS, INC., ENVOY AIR, INC. and AMERICAN EAGLE, INC.,
Defendants.
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Plaintiffs, Benny Shin ("Shin"), by and through his attorneys, JSL LAW OFFICE, PC, complaining of the Defendants, respectfully allege as follows:

I. PRELIMINARY STATEMENT

1. On June 6, 2016, Defendants AMERICAN AIRLINES GROUP, INC., AMERICAN AIRLINES, INC., REPUBLIC AIRLINES, INC., REPUBLIC AIRWAYS HOLDINGS, INC., ENVOY AIR, INC. and AMERICAN EAGLE, INC. (Collectively "Defendants") disgracefully engaged in the discrimination of Plaintiffs based upon their perceived race, color, ethnicity, alienage and/or national origin by dramatically removing Plaintiff, who not only paid for his flight but was provided a seat number and confirmation from American Airlines flight1162.

2. Plaintiff bring this action for compensatory damages, punitive damages and attorney's fees for unlawful discrimination on the basis of perceived race, color, ethnicity, alienage and/or national origin. Defendants' actions were intentional and in violation of 42 U.S.C. § 1981; Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d; and the New York Law Against Discrimination, Civil Rights Law 1909, Article 4 et seq. and New York Executive Law §296. In addition to seeking 42 USC 2000d, 28

compensatory and punitive damages, Plaintiff seek declaratory and injunctive relief requiring Defendants to desist from and remedy such discriminatory action.

II. JURISDICTION

3. This court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 in that such jurisdiction is founded upon the diversity of citizenship between the parties to this action and the matter in controversy exceeds, exclusive of interest and costs, the sum of Seventy-five thousand ($75,000) Dollars and 28 U.S.C. §§ 1331, 1334, and 1367. Plaintiffs' action for declaratory, injunctive, and or monetary relief is authorized by 28 U.S.C. §§ 1343(a)(VI), 2201 & 2202 and the aforementioned statutory and constitutional provisions.

4. Plaintiff further invoke this Court's supplemental jurisdiction, pursuant to 28 U.S.C. § 1367, over any and all State law claims and causes of action which derive from the same nucleus of operative facts and are part of the same case or controversy that gives rise to the federally based claims and causes of action.

III. VENUE

5. Venue is proper for the United States District Court for the Eastern District of New York, pursuant to 28 U.S.C. § 1391(a), (b), and (c) and § 1402(b) as Plaintiffs reside in Queens County.

IV. JURY DEMAND

6. Plaintiffs respectfully demand a trial by jury of all issues in this matter pursuant to Fed. R. Civ. P. 38(b).

V. THE PARTIES

7. Plaintiff BENNY SHIN is a 75-year-old Korean-American male Pastor. He is a well

respected man in his community. On June 6, 2016, Mr. Shin traveled to the airport to board the American Airlines flight 1162. Mr. Shin is a resident of the City of New York, County of Queens, State of New York.

8. Defendant AMERICAN AIRLINES GROUP, INC. is an air carrier engaged in the business of transporting passengers and is a foreign corporation authorized to do business in New York with a principle place of business at 4333 Amon Carter Boulevard, MD 5675, Fort Worth, TX 76155.

9. Defendant AMERICAN AIRLINES, INC. is an air carrier engaged in the business of transporting passengers and is a foreign corporation authorized to do business in New York with a principle place of business at 4333 Amon Carter Boulevard, MD 5675, Fort Worth, TX 76155.

10. Defendant REPUBLIC AIRLINES, INC. is an air carrier engaged in the business of transporting passengers and is a foreign corporation authorized to do business in New York with a principle place of business at 8909 Purdue Road, Suite 300 Indianapolis, IN 46268.

11. Defendant REPUBLIC AIRWAYS HOLDING, INC. is an air carrier engaged in the business of transporting passengers and is a foreign corporation authorized to do business in New York with a principle place of business at REPUBLIC AIRWAYS HOLDINGS, INC. 8909 Purdue Road, Suite 300 Indianapolis, IN 46268.

12. Defendant ENVOY AIR, INC. is an air carrier engaged in the business of transporting passengers and is a foreign corporation authorized to do business in New York with a principle place of business at 301 Regent Blvd. in Irving, TX 75063.

13. Defendant AMERICAN EAGLE, INC. is an air carrier engaged in the business of transporting passengers and is a foreign corporation authorized to do business in New York with a principle place of business at 4333 Amon Carter Boulevard, MD

5675, Fort Worth, TX 76155.

VI. FACTUAL ALLEGATIONS

14. Plaintiff is a Korean-American pastor who is 75 years old and retired.

15. Plaintiff frequently flies to many cities and countries to visit various family member and friends.

16. On June 6, 2016, Plaintiff planned to travel to Corpus Christi Texas from New York to visit his ailing sister.

17. The 1st portion of the trip had the Plaintiff aboard 1162 from New York to Dallas Forth Worth.

18. The 2nnd portion of the trip would have had the Plaintiff connect at Dallas Forth Worth for flight 5715 to Corpus Christi, Texas.

19. On June 6, 2016, the Plaintiff arrived at Laguardia Airport in Queens, New York and boarded flight 1162, which was scheduled to depart at 11:30 a.m..

20. The Plaintiff then arrived in Dallas Fort Worth seeking to transfer to flight 5715 to travel to Corpus Christi.

21. The Plaintiff had in his possession a printed boarding passed, checked in their luggage and cleared TSA security in New York. Plaintiff upon arriving in Fort Worth, proceeded to the gate to await the next flight.

22. While waiting to board the flight, the plaintiff was singled out for no reason and advised that he was not allowed to get onto the flight.

23. The plaintiff was waiting to board the flight with 5-7 White passengers who were all standing behind the plaintiff.

24. All of the white passengers were allowed to board the flight and proceed to Corpus Christi.

25. For the mere fact that the plaintiff was Korean-American he was prohibited from boarding the flight.

26. Instead, he was provided a ticket for a connecting flight the following day.

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27. As passengers were watching the scene, the Plaintiff was humiliated and

embarrassed at the gate.

28. Humiliated, embarrassed and scared, Plaintiff left the gate and was provided a ground transportation voucher to return to the airport the following day for another flight.

29. Plaintiff repeat, reiterate and re-allege each and every allegation contained in the above paragraphs with the same force and effect as if fully set forth herein.

30. Plaintiff is a U.S. citizens and member of a racial minority respectively: Korean.

31. Defendants' personnel forced the Plaintiff to leave the gate despite the fact that none of the criteria for Acceptance of Passengers under Defendants' Terms of Transportation applied to the Plaintiff. Specifically Plaintiff did not:

i. Refuse to permit a search of person or property for explosives or for deadly, controlled, or dangerous weapons, articles or substances.

I ii. Refuse to produce positive identification upon request.

iii. Have a physical or mental condition that was such that in American's sole opinion, Plaintiff weas rendered or likely to be rendered incapable of comprehending or complying with safety instructions without the assistance of an attendant.

iv. Engage in conduct that was disorderly, abusive or violent.

v. Appear to be intoxicated or under the influence of drugs.

vi. Attempt to interfere with any member of the flight crew.

vii. Have a communicable disease that has been determined by a federal public health authority to be transmissible to other persons in the normal course of flight.

viii. Refuse to obey instructions from any flight crew member.

ix. Have an offensive odor not caused by a disability or illness.

x. Dress in a manner that would cause discomfort or offense to other passengers or are barefoot.

xi. Engage in any action, voluntary or involuntary, that might jeopardize the safety of the aircraft or any of its occupants.

32. As a result of the actions of Defendants AMERICAN AIRLINES GROUP, INC., AMERICAN AIRLINES, INC., REPUBLIC AIRLINES, INC., REPUBLIC AIRWAYS HOLDINGS, INC., ENVOY AIR, INC. and AMERICAN EAGLE, INC., which began on or about June 6, 2016, Plaintiff was deprived of their rights under federal civil rights law. Plaintiff's rights are secured by 42 U.S.C. §1981.

33. The flight crew, and gate agents for American Airlines flight 5715 on June 6, 2016 were at all relevant times agents and/or employees of Defendants AMERICAN AIRLINES GROUP, INC., AMERICAN AIRLINES, INC., REPUBLIC AIRLINES, INC., REPUBLIC AIRWAYS HOLDINGS, INC., ENVOY AIR, INC. and AMERICAN EAGLE, INC.

34. Defendants are liable for the unlawful acts of their agents and employees directly and/or under the doctrine of respondeat superior.

35. Defendants engaged in intentional discrimination based on Plaintiffs' perceived race, color, ethnicity, and/or alienage in disallowing Plaintiffs from flying on flight AA5715 on June 6, 2016.

36. The actions described herein represent intentional discrimination against Plaintiffs by AMERICAN AIRLINES GROUP, INC., AMERICAN AIRLINES, INC., REPUBLIC AIRLINES, INC., REPUBLIC AIRWAYS HOLDINGS, INC., ENVOY AIR, INC. and AMERICAN EAGLE, INC. personnel due to Plaintiff being member of the Korean race.

37. The actions described herein represent Defendants' personnel's denial to Plaintiff of the same rights to make, enforce, and enjoy the benefits of contracts for air travel as are enjoyed by white citizens, due to Plaintiff being members of the Korean race.

38. Whereas, Defendants allowed other passengers to travel on the same flight. In doing so, Defendants discriminated against Plaintiffs in the making and enforcement of

their contract with Defendants, namely their tickets purchased to travel, upgrades to earlier flights and upgrades to business class.

39. Defendants' actions were intentional, malicious, willful, wanton, callous, and showed reckless disregard for Plaintiffs' civil rights, and have directly and proximately caused Plaintiffs financial injury and humiliation, mental pain, and suffering.

40. As a direct and proximate result of the aforesaid acts of Defendants AMERICAN AIRLINES GROUP, INC., AMERICAN AIRLINES, INC., REPUBLIC AIRLINES, INC., REPUBLIC AIRWAYS HOLDINGS, INC., ENVOY AIR, INC. and AMERICAN EAGLE, INC., Plaintiff incurred great emotional and psychological harm from the discrimination and mistreatment that he experienced, and incurred costs for upgrades and due to the delays and inconvenience.

AS A FIRST CAUSE OF ACTION

Discrimination by Recipient of Federal Funding Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d)

41. Plaintiff repeat, reiterate and re-allege each and every allegation contained in the above paragraphs with the same force and effect as if fully set forth herein.

42. Defendants are the recipients of federal financial assistance, and are thus covered by Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d). Title VI and its implementing regulations prohibit recipients of federal monies from discriminating on the basis of, inter alia, race, religion, color, or national origin. Defendants' failure to permit Plaintiff to remain at the airline terminal on the basis of Plaintiff's perceived race, religion, color, and/or national origin constituted discrimination against Plaintiffs in violation of Title VI and its implementing regulations.

43. Defendants' actions were intentional, malicious, willful, wanton, callous, and showed reckless disregard for Plaintiff's civil rights, and have directly and proximately caused Plaintiff financial injury and humiliation, mental pain, and

suffering.

44. As a result of the above constitutionally impermissible conduct, Plaintiff was caused to suffer personal injuries, violation of their civil rights, emotional distress, anguish, anxiety, fear, humiliation, loss of freedom, loss of wages and damage to their reputations and standing within their communities.

45. As a result of Defendants' impermissible conduct, Plaintiff demand judgment against Defendants in a sum of money to be determined at trial.

AS A SECOND CAUSE OF ACTION

Violation of Federal Aviation Law

46. Plaintiff repeat, reiterate and re-allege each and every allegation contained in the above paragraphs with the same force and effect as if fully set forth herein.

76. 49 USCS § 40127(a) states: "An air carrier or foreign air carrier may not subject a person in air transportation to discrimination on the basis of race, color, national origin, religion, sex, or ancestry."

47. The actions described herein represent discrimination against Plaintiff on the basis of their race by AMERICAN AIRLINES GROUP, INC., AMERICAN AIRLINES, INC., REPUBLIC AIRLINES, INC., REPUBLIC AIRWAYS HOLDINGS, INC., ENVOY AIR, INC. and AMERICAN EAGLE, INC. personnel acting in an official capacity, within the scope of their employment, and following procedures and policies set forth by Defendants.

48. Defendants' refusal to transport Plaintiff was arbitrary and capricious.

49. The gate crew of Flight AA5715 was ultimately responsible for the decision to refuse to transport Plaintiffs.

50. The gate crew Flight AA5715's decision to refuse transport to Plaintiff was not based on a rational appraisal of the facts known to them.

51. No reasonable person in the position of the gate crew of Flight AA5715 would use

the information that he had received from other American Airlines personnel as grounds to refuse transport to Plaintiffs.

52. As a direct and proximate result of the aforesaid violations of aviation law by AMERICAN AIRLINES GROUP, INC., AMERICAN AIRLINES, INC., REPUBLIC AIRLINES, INC., REPUBLIC AIRWAYS HOLDINGS, INC., ENVOY AIR, INC. and AMERICAN EAGLE, INC. personnel, Plaintiff incurred great emotional and psychological harm from the discrimination and mistreatment that they experienced, and incurred costs for upgrades and due to the delays and inconvenience.

AS A THIRD CAUSE OF ACTION

Violation of New York Executive Law Section 296 Prohibiting Racial Discrimination on the Ground and in the Air

53. Plaintiff repeat, reiterate and re-allege each and every allegation contained in the above paragraphs with the same force and effect as if fully set forth herein.

54. By virtue of the foregoing, the Defendants AMERICAN AIRLINES GROUP, INC., AMERICAN AIRLINES, INC., REPUBLIC AIRLINES, INC., REPUBLIC AIRWAYS HOLDINGS, INC., ENVOY AIR, INC. and AMERICAN EAGLE, INC. violated New York Executive Law Section 296, which among other things, makes it unlawful to discriminate on the basis of race on the ground or in the air by effecting disparate treatment in performance of a contract with a member of a protected class, like the Plaintiffs.

55. NY Executive Law 296 addresses disparate performance of a contract while traveling in the air. This act of racial discrimination is separate and distinct from the discriminatory act of singling out Plaintiff and refusing to allow him to board the flight in0 Dallas Texas.

56. As a direct and proximate result of the aforesaid violations of aviation law by AMERICAN AIRLINES GROUP, INC., AMERICAN AIRLINES, INC., REPUBLIC AIRLINES, INC., REPUBLIC AIRWAYS HOLDINGS, INC.,

ENVOY AIR, INC. and AMERICAN EAGLE, INC. personnel, Plaintiffs incurred great emotional and psychological harm from the discrimination and mistreatment that they experienced, and incurred costs for upgrades and due to the delays and inconvenience.

AS A FOURTH CAUSE OF ACTION

New York Civil Rights Law 1909 New York Civil Right 1909, Article 4: Unlawful Deprivation of Access to and/or Discrimination in Furnishing of a Public Accommodation and/or Public Facility

57. Plaintiff repeat, reiterate and re-allege each and every allegation contained in the above paragraphs with the same force and effect as if fully set forth herein.

58.. American Airlines Flight AA5715, from which Plaintiff were not permitted to travel on June 6, 2016, is a "place of public accommodation" within the terms of the New York Civil Right 1909, Article 4.

59. Defendants AMERICAN AIRLINES GROUP, INC., AMERICAN AIRLINES, INC., REPUBLIC AIRLINES, INC., REPUBLIC AIRWAYS HOLDINGS, INC., ENVOY AIR, INC. and AMERICAN EAGLE, INC.'s actions, as set forth above, violated the civil rights of Plaintiff as guaranteed to them by the Constitution of the State of New York and, in particular, Article I, Sections 1, 11, and the Human Rights Law of the State of New York, Section 290 et seq., Executive Law.

60. The flight crew, and gate agents for American Airlines Flight AA5715 on June 6, 2016 were at all relevant times agents and/or employees of Defendants AMERICAN AIRLINES GROUP, INC., AMERICAN AIRLINES, INC., REPUBLIC AIRLINES, INC., REPUBLIC AIRWAYS HOLDINGS, INC., ENVOY AIR, INC. and AMERICAN EAGLE, INC.

61. Defendants are liable for the unlawful acts of their agents and employees directly and/or under the doctrine of respondeat superior.

62. Defendants disallowed Plaintiff to travel on American Airlines Flight No. AA5715 on June 6, 2016 based on Plaintiff's perceived race, color,

ancestry and/or national origin. Defendants' acts violated the New York Civil Right 1909, Article 4.

63. Defendants AMERICAN AIRLINES GROUP, INC., AMERICAN AIRLINES, INC., REPUBLIC AIRLINES, INC., REPUBLIC AIRWAYS HOLDINGS, INC., ENVOY AIR, INC. and AMERICAN EAGLE, INC.'s actions were intentional, malicious, willful, wanton, callous and showed reckless disregard for Plaintiffs' civil rights, and have directly and proximately caused Plaintiffs financial injury and humiliation, mental pain, and suffering.

RELIEF REQUESTED WHEREFORE, and in light of the foregoing, it is respectfully requested that the Court assume jurisdiction and:

A. WHEREFORE Plaintiffs each demand judgment against each Defendant AMERICAN AIRLINES GROUP, INC., AMERICAN AIRLINES, INC., REPUBLIC AIRLINES, INC., REPUBLIC AIRWAYS HOLDINGS, INC., ENVOY AIR, INC. and AMERICAN EAGLE, INC. in the amount of One Million Dollars ($1,000,000.00) in compensatory damages and Five Million Dollars ($5,000,000.00) in punitive damages on each cause of action;

B. Invoke pendent party and pendent claim jurisdiction;

C. Award Plaintiff attorney's fees and costs;

D. Award Plaintiff such other and further relief as the Court may deem equitable, just and proper to remedy the Defendants' unlawful practices.

Dated: April 13, 2017

JSL LAW OFFICE P.C.

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